

PETER SZANTO 503-610-0865
P.O. Box 4614
Portland OR 97208

BANKRUPTCY COURT
DISTRICT OF OREGON

2017 APR 26 PM 12: 51

CLERK REC'D
FILED

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

In Re Peter Szanto, Debtor

Adversarial # 16-ap-3114

core case:16-bk-33185-pcm11

=====

Peter Szanto, Plaintiff

vs.

Evye Szanto, et al,

Defendants

1. Plaintiff's Notice of Objection and
Objection to (DE 82) Amended
Suggestion of Death

2. Plaintiff's Notice of Objection and
Objection to (DE 82) Altered and
Void Death Certificate

3. Affidavit of Peter Szanto in Support

Hon. Judge McKittrick

To the Court and the defendants, **please take notice** plaintiff,
herewith and hereby perfects his objection to (DE 82), the amended
suggestion of death of John Barlow and the altered death certificate in
support thereof.

16-ap-3114

Objection ===== 4-19-2017- pg. 1

1
2 **1. STATEMENT REGARDING PRE-FILING Conference**
3

4 On, or about, 4-14-17, plaintiff sent an e-mail to counsel Henderson
5 regarding his concerns about the propriety of the defendants' Suggestion of
6 Death filing. Plaintiff has received no response to those concerns.
7

8
9 **2. GROUNDS**

10 The most important issue regarding the suggestion of death of any
11 party is that it be accurate. ***McKenna v. Pacific Rail Serv., (1994) 32 F.3d***
12 **820.** Based on the facts and declaration herein, the suggestion of death of
13 defendant John Barlow is not accurate, because it is based on an altered
14 death certificate which concerns another person who is not the defendant
15 John Barlow.
16

17 **2. FACTS**
18

19 Defendants have filed an "Amended Suggestion of Death"
20 regarding defendant John Barlow. Defendants' filing is supported only by
21 an altered "Certificate of Death" which by its own terms is made void by the
22 alterations thereon.
23
24
25

1
2 The alterations consist of crossing out crucial information which
3 would provide critical evidence whether the John Barlow named in the
4 death certificate is the same John Barlow who is a defendant herein. There
5 is no valid basis for any of the strike-outs which have made the death
6 certificate void.

7
8
9 **3. DECLARATION of PETER SZANTO**

- 10
11
12 1. My name is Peter Szanto, I am the plaintiff herein.
13 2. This is my truthful declaration to which I will attest in open Court.
14 3. I certify that I have tried to confer with the defendants about the
15 matters herein prior to filing this notice.
16 4. I have personally met John Barlow, who is defendant herein, on 3
17 separate occasions.
18 5. I have personally spoken with John Barlow, who is defendant
19 herein, on 2 other separate occasions by telephone.
20 6. Based on my ability to perceive and recognize a person's age, by
21 appearance and by voice, I herewith testify that John Barlow who
22 I met, and who I named as a defendant in this action is between 25
23 and 28 years of age.
24 7. The John Barlow who is the defendant herein is not the 69 year old
25 person whose death is attested on the altered Death Certificate.

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1
2 I declare under penalty of perjury under the laws of the United
3 States that the foregoing is true and correct. Signed at Portland OR

4
5
6 DATED 4/26/17 /s/  Peter Szanto

7
8
9 **Proof of Service**

10 My name is Susan Bier, I am over 21 years of age and not a party
11 to the within action. My business address is PO Box 4614, Portland OR
12 97208. On the date indicated below, I personally served the within:

13 **Notice**

14
15 by e-mail to Mr. Olsen and Mr. Henderson at:

16
17 nhenderson@portlaw.com

18
19
20 I declare under penalty of perjury under the laws of the United States
21 that the foregoing is true and correct. Signed at Portland OR.

22
23 Dated 4-26-2017 /s/ 